

**TITLE 8****ALCOHOLIC BEVERAGES**<sup>1</sup>**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

**CHAPTER 1****INTOXICATING LIQUORS****SECTION**

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**8-101. Alcoholic beverages subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #201106, Dec. 2011)

**8-102. Application for certificate of compliance.** Before any certificate, as required by Tennessee Code Annotated, § 57-3-208 or a renewal

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

as required by § 57-3-213 shall be signed by the mayor, or by any aldermen,<sup>1</sup> an application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

- (1) Name, age and address of the applicant.
- (2) Evidence of being a bona fide resident of Henderson County for not less than one (1) year or evidence of being continuously licensed pursuant to Tennessee Code Annotated, § 57-3-204 for seven (7) consecutive years.
- (3) Occupation or business and length of time engaged in such occupation or business.
- (4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
- (5) If employed, the name and address of employer.
- (6) If in business, the kind of business and location thereof.
- (7) The location of the proposed store for the sale of alcoholic beverages.
- (8) The name and address of the owner of the store.
- (9) (a) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer.  
(b) If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation.

Each application shall be accompanied by a non-refundable investigation fee of two hundred and fifty dollars (\$250.00). (as added by Ord. #201106, Dec. 2011)

**8-103. Applicant to agree to comply with laws.** The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws, the ordinances of the city, and the rules and regulations of the Alcoholic Beverage Commission of the State for sale of alcoholic beverages. (as added by Ord. #201106, Dec. 2011)

**8-104. Applicant to appear before board of mayor and aldermen; duty to give information.** An applicant for a certificate of compliance may be required to appear in person before the board of mayor and aldermen for such

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 57-3-208 requires the certificate to be signed by the mayor or a majority of the governing body.

reasonable examination as may be desired by the board. (as added by Ord. #201106, Dec. 2011)

**8-105. Action on application.** Every application for a certificate of compliance shall be referred to the chief of police for investigation, the building inspector for verification and to the city attorney for review, each of whom shall submit their findings to the board of mayor and aldermen within thirty (30) days of the date each application was filed.

The board of mayor and aldermen may issue a certificate of compliance to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and aldermen. (as added by Ord. #201106, Dec. 2011)

**8-106. Residency requirement.**<sup>1</sup> The applicant for a certificate of compliance shall have been a bona fide resident of Henderson County for not less than one (1) year at the time the application is filed. If the applicant is a partnership or a corporation, each of the partners or stockholders must have been a bona fide resident of Henderson County for not less than one (1) year at the time the application is filed. This section shall not apply to any applicant who has been continuously licensed pursuant to Tennessee Code Annotated, § 57-3-204 for seven (7) consecutive years. (as added by Ord. #201106, Dec. 2011)

**8-107. Applicants for certificate who have criminal record.** No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting or regulating the sale, possession, transportation, storage, manufacturing or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #201106, Dec. 2011)

**8-108. Only one establishment to be operated by retailer.** No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (as added by Ord. #201106, Dec. 2011)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 57-3-208(c).

**8-109. Where establishments may be located.** It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations zoned B2 and BP along and adjoining Highway 22 and Highway 412, but in no event shall any establishment be located within five hundred feet (500') of a public or private school, child care facility, hospital, established place of worship, public park, public space, or any other similar public open space or place of public gathering, measured in a straight line<sup>1</sup> between the nearest point on the property line upon which sits the building from which the alcoholic beverages will be sold, stored or distributed, and the nearest point on the property line of the public or private school, child care facility, hospital, established place of worship, public park, public space, or any other similar public open space or place of public gathering. Applicant must submit written documentation from a licensed surveyor that confirms the business location complies with these distance requirements. (as added by Ord. #201106, Dec. 2011)

**8-110. Retail stores to be on ground floor; entrances.** No retail store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public. (as added by Ord. #201106, Dec. 2011)

**8-111. Limitation on number of retailers.**<sup>2</sup> There shall be no limit on the number of retail licenses for the sale of alcoholic beverages issued under this chapter. (as added by Ord. #201106, Dec. 2011)

**8-112. Sales for consumption on premises.** No alcoholic beverages shall be sold for consumption on the premises of the seller. (as added by Ord. #201106, Dec. 2011)

**8-113. Amusement devices and seating facilities prohibited in retail establishments.** No pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in

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<sup>1</sup>State law reference

See Watkins v. Naifeh, 635 S.W.2d 104 (Tenn. 1982) and other cases cited therein which establish the straight line method of measurement.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 57-3-208(c).

any retail establishment. One (1) radio and/or one (1) television shall be permitted in establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #201106, Dec. 2011, and replaced by Ord. #201301, Jan. 2013)

**8-114. Inspection fee.** The City of Lexington hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. (as added by Ord. #201106, Dec. 2011)

**8-115. Violations.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #201106, Dec. 2011)